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| 10/080,889      | 02/22/2002  | John S. Csapo        | SAMS01-00177        | 9391             |

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Docket Clerk  
P.O. Box 800889  
Dallas, TX 75380

EXAMINER

EWART, JAMES D

| ART UNIT | PAPER NUMBER |
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2683

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DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/080,889

Applicant(s)

CSAPO ET AL.

Examiner

James D Ewart

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1-3, 6-8 and 16-18 is rejected under 35 USC 103(a) as being unpatentable over Raffel et al. (U.S. Patent Publication No. 2003/0069014) in view of Kotzin (U.S. Patent No. 5,627,830) and further in view of Van Zeijl et al. (U.S. Patent No. 5,802,458).

Referring to claims 1, 6 and 16, Raffel et al teaches for use in a wireless communications system, an apparatus for supporting dual standards comprising: handing off from a first wireless communication system utilizing a first standard within a coverage area and to a second wireless communication system using a second standard within the coverage area (0005, Lines 10-14), but does not teach a system using sectored antenna's and handing off from a sectored antenna to an omni antenna. Kotzin et al teaches a system that uses sectored antenna's and handing off from a sectored antenna to an omni antenna (Column 3, Lines 5-9 and Lines 23-25). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al with the teaching of Kotzin et al wherein a system uses sectored antenna's and handing off from a sectored antenna to an omni antenna to provide a more effective rapid handoff (Column 3, Lines 24-25). Raffel et al and Kotzin et al teaches the limitations of claims 1, 6 and 16, but do not teach wherein the other system uses Omni antennas. Van Zeijl et al. teaches wherein the other system uses Omni antennas (Column 1, Lines 14-21

and 54-58). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al and Kotzin et al with the teaching of Van Zeijl et al. wherein the other system uses Omni antennas in order to receive the best possible, direction-independent reception and/or transmission of radio signals (Column 1, Lines 18-21).

Referring to claims 2, 7 and 17, Raffel et al further teaches wherein one of the first and second standards is compatible with the other of the first and second standards (0005, Lines 1014).

Referring to claims 3, 8 and 18, Raffel et al, further teaches wherein, upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed for the compatible one of the first and second standards (0010, Lines 18-23). Examiner notes that the claim does not indicate antenna or device failure, the claim only indicates communication failure and Examiner equates the MS being outside of the cordless cellular base stations range as communication failure.

2. Claims 4, 5, 9, 10, 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al., Kotzin et al, Van Zeijl et al. and Lee et al. (U.S. Patent Publication No. 2003/0123479).

Referring to claims 4, 9 and 19, Raffel et al, Kotzin et al and Van Zeijl et al teach the limitations of claims 4,9, and 19, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin et al and Van Zeijl et al with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claims 5, 10 and 20, Raffel et al, Kotzin et al and Van Zeijl et al teach the limitations of claims 5, 10 and 20, but do not teach wherein the first standard is one of IxEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin et al and Van Zeijl et al with the teaching of Lee et al wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

2. Claims 11 and 26 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al. in view of Kotzin.

Referring to claims 11 and 26. Raffel et al teaches for use in a wireless communications system, an apparatus for supporting dual standards comprising: a wireless communications system utilizing a first standard within a coverage area; and a second wireless communications system utilizing a second standard within the coverage area, wherein one of the first and second standards is compatible with the other of the first and second standards and, upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed for the compatible one of the first and second standards (0010, Lines 18-23), but does not teach a system using sectored antenna's and handing off from a sectored antenna to an omni antenna. Kotzin et al teaches a system that uses sectored antenna's and handing off from a sectored antenna to an omni antenna (Column 3, Lines 5-9 and Lines 23-25). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al with the teaching of Kotzin et al wherein a system uses sectored antenna's and handing off from a sectored antenna to an omni antenna to provide a more effective rapid handoff (Column 3, Lines 24-25). Examiner notes that the claim does not indicate antenna or device failure, the claim only indicates communication failure and Examiner equates the MS being outside of the cordless cellular base stations range as communication failure.

3. Claim 12, 13, 27 and 28 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al. in view of Kotzin and further in view of Van Zeijl et al. (U.S. Patent No. 5,802,458).

Referring to claims 12, 13, 27 and 28. Kotzin et al teaches wherein one system is a sectored system but does not teach wherein the other system uses Omni antennas. Van Zeijl et al. teaches wherein the other system uses Omni antennas (Column 1, Lines 14-21 and 54-58). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al and Kotzin et al with the teaching of Van Zeijl et al. wherein the other system uses Omni antennas in order to receive the best possible, direction-independent reception and/or transmission of radio signals (Column 1, Lines 18-21).

2. Claims 14, 15, 29 and 30 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al., Kotzin et al, Van Zeijl et al. in view of Lee et al. (U.S. Patent Publication No. 2003/0123479).

Referring to claims 14 and 29, Raffel et al, Kotzin et al and Van Zeijl et al teach the limitations of claims 4,9, and 19, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin et al and Van Zeijl et al with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claims 15 and 30, Raffel et al, Kotzin et al and Van Zeijl et al teach the limitations of claims 5, 10 and 20, but do not teach wherein the first standard is one of IxEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin et al and Van Zeijl et al with the teaching of Lee et al wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

2. Claims 21-23 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al., Kotzin et al, in view of Yokoi et al (U.S. Patent No. 5,282,239).

Referring to claim 21, Raffel et al teaches for use in a wireless communications system, a method of supporting dual standards comprising: employing an antenna system for wireless communications utilizing a first standard within a first coverage area and an antenna system for wireless communications utilizing a second standard within the first coverage area; and employing an antenna system for wireless communications utilizing the first standard within a second coverage area and an antenna system for wireless communications utilizing the second standard within the second coverage area, but does not teach a cellular communication system using either omni or directional antennas. Kotzin et al teaches a cellular communication system using either omni or directional antennas (Column 3, Lines 5-6). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to



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combine the art of Raffel et al with the teaching of Kotzin et al cellular communication system using either omni or directional antennas to provide a more effective rapid handoff (Column 3, Lines 24-25). Raffel et al and Kotzin et al teaches the limitations of claims 21, but do not teach a cordless phone system using directional antennas. Yokoi et al teaches a cordless phone system using directional antennas (Column 5, lines 21-26). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Raffel et al and Kotzin et al with the teaching of Yokoi et al of a cordless phone system using directional antennas to enable cordless telephone calls to continue when the party using the cordless telephone boards a moving conveyance (Column 1, Lines 36-39).

Referring to claim 22, Raffel et al further teaches wherein one of the first and second standards is compatible with the other of the first and second standards (0005, Lines 1014).

Referring to claims 23, Raffel et al, further teaches wherein, upon failure of wireless communications utilizing the other of the first and second standards within the coverage area, wireless communications utilizing the other of the first and second standards within the coverage area is resumed with the antenna system employed for the compatible one of the first and second standards (0010, Lines 18-23). Examiner notes that the claim does not indicate antenna or device failure, the claim only indicates communication failure and Examiner equates the MS being outside of the cordless cellular base stations range as communication failure.

2. Claims 24 and 25 are rejected under 35 USC 103(a) as being unpatentable over Raffel et al., Kotzin et al, and Yokoi et al in view of (U.S. Patent Publication No. 2003/0123479).

Referring to claim 24, Raffel et al, Kotzin et al and Yokoi et al teach the limitations of claims 4,9, and 19, but do not teach wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV. Lee et al teaches wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin et al and Yokoi et al with the teaching of Lee et al wherein the first standard is IS-2000 and the second standard is one of IxEV-DO and IxEV-DV to provide a mobile subscriber with a packet service as well as a voice service (0024).

Referring to claim 25, Raffel et al, Kotzin et al and Yokoi et al teach the limitations of claims 5, 10 and 20, but do not teach wherein the first standard is one of IxEV-DO and IxBV -DV and the second standard is IS-2000. Lee et al teaches wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 (0024). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Raffel et al, Kotzin et al and Yokoi et al with the teaching of Lee et al wherein the first standard is one of IxEV-DO and IxEV-DV and the second standard is IS-2000 to provide a mobile Subscriber with a packet service as well as a voice service (0024).

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*Conclusion*

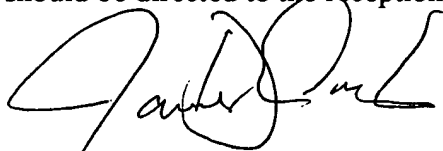
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rek U.S. Patent No. 6,597,926 discloses antenna gain diversity..

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



Ewart  
September 19, 2004



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